

GLM/CAJ:lcm 10/25/04 6115-58352-01 317435

PATENT  
Atty. Ref. No. 6115-58352-01Remarks

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-24 are pending in the application. No claims have been allowed. Claim 24 has been amended. Applicants are amending claim 24 not for a reason related to patentability, but in order to clarify claim 24. In addition, the amendment does not necessarily narrow the claim's scope.

*Restriction/Election Requirement*

The Action concludes that the claims in group I (claims 1-23) are unrelated to the claim in group II (claim 24) and therefore requires restriction to one of the groups. Applicants respectfully disagree. However, in order to expedite prosecution, Applicants have amended claim 24 to include "diagnosis" language. This amendment should render the restriction requirement inapplicable. Therefore, Applicants traverse the restriction requirement, but if necessary provisionally elect Group I, claims 1-23, for examination. Applicants reserve the right to pursue the unelected claim (in its unamended form) in a continuing application.

The Action alleges that group I and II are different inventions because "group I recite diagnose a problem while group II do not recite diagnose a problem and group II recite identify a problem while group I do not recite identify a problem." Applicants have amended claim 24. Amended claim 24 reads as follows (emphasis added):

A computer-based environment for refining a decision-making process based on a collection of data, the environment comprising:  
means for executing a set of discrete executable processing directives to  
*diagnose* a problem based on the collection of data;  
means for distributing a *diagnosis* of the problem to a decision-maker; and  
means for determining the decision-maker's reaction to the *diagnosis*.

Therefore, claims 1-24 are not subject to a restriction requirement and Applicants respectfully request that the restriction requirement be withdrawn.

GLM/CAJ:lcm 10/25/04 6115-58352-01 317435

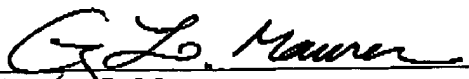
PATENT  
Atty. Ref. No. 6115-58352-01

Conclusion

Applicants respectfully request that the restriction requirement be withdrawn and the application passed to allowance.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Gregory L. Maurer  
Registration No. 43,781

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446